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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion  
and Protection of Human Rights  
Fifty-fifth session  
Agenda item 4

**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Mr. Alfonso Martínez, Mr. Guissé, Mr. Kartashkin, Mr. Park and  
Mr. Weissbrodt: draft resolution**

**2003/... Responsibilities of transnational corporations and other  
business enterprises with regard to human rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 1998/8 of 20 August 1998 which established, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations on the basis of the background document (E/CN.4/Sub.2/1995/11), the report (E/CN.4/Sub.2/1996/12 and Corr.1) submitted by the Secretary-General in accordance with its resolution 1995/31 of 24 August 1995 and the background document (E/CN.4/Sub.2/1998/6) prepared by Mr. El-Hadji Guissé in accordance with its resolution 1997/11 concerning transnational corporations,

*Recalling also* its resolution 2001/3 of 15 August 2001 in which it decided to extend the mandate of the working group for another three-year period,

*Recalling further* its resolution 2002/8 of 14 August 2002 in which it invited the working group to continue working on the draft Norms and Commentary on the responsibilities of transnational corporations and other business enterprises with regard to human rights so that they could be broadly disseminated and submitted by the working group to the Sub-Commission at its fifty-fifth session, and noting that the Commentary may serve as a reference for the practical interpretation of the Norms,

*Noting* that the working group agreed by consensus upon and submitted to the Sub-Commission the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights (E/CN.4/Sub.2/2003/12/Rev.1) which take into account comments received during the past four years, including at this year's sessions of the working group and Sub-Commission,

*Recognizing* that the Norms, as explicated by the Commentary (E/CN.4/Sub.2/2003/38/Rev.1), reflect most of the current trends in the field of international law, and particularly international human rights law, with regard to the activities of transnational corporations and other business enterprises,

*Aware* that the Norms provide for several basic measures of implementation and that the Commentary sets forth a number of other procedures for implementing the Norms,

1. *Approves* the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights submitted by the working group (E/CN.4/Sub.2/2003/12/Rev.1);

2. *Decides* to transmit to the Commission on Human Rights the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights for consideration and adoption by the Commission;

3. *Recommends* that the Commission on Human Rights invite Governments, United Nations bodies, specialized agencies, non-governmental organizations and other interested parties to submit to it at its sixty-first session and to the Sub-Commission at its fifty-seventh session comments on the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights and its Commentary;

4. *Also recommends* that after having received comments from Governments, United Nations bodies, specialized agencies, non-governmental organizations and other interested parties, the Commission on Human Rights consider establishing an open-ended working group to review the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights and its Commentary;

5. *Requests* the working group on the working methods and activities of transnational corporations to receive information from Governments, non-governmental organizations, business enterprises, individuals, groups of individuals and other sources concerning the possible negative impact of the activities of transnational corporations and other business enterprises on human rights, and particularly affecting implementation of the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights, and to invite the transnational corporations or other business enterprises concerned to provide any comments they may wish within a reasonable time;

6. *Also requests* the working group to study the information submitted and to transmit its comments and recommendations to the appropriate transnational corporations or other business enterprises, Governments and relevant non-governmental organizations or other sources of information;

7. *Recommends* that the working group continue its discussions in accordance with its mandate under resolutions 1998/8 of 20 August 1998 and 2001/3 of 15 August 2001 and, in particular, that it pursue its efforts to explore possible mechanisms for implementing the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights, such as the continuation by Mr. El-Hadji Guissé of his work on the impact of the activities of transnational corporations on economic, social and cultural rights, as part of its future work;

8. *Requests* the Secretary-General to provide the working group with whatever services it requires to complete its tasks;

9. *Requests* the Working Group on Indigenous Populations to gather the views of indigenous peoples and indigenous organizations and communities as well as other interested parties to supplement the Commentary on the Norms and/or to draft a new set of principles which would include further references to indigenous concerns and rights with regard to transnational corporations and other business enterprises;

10. *Decides* to continue consideration of this matter at its fifty-sixth session under the relevant agenda item.

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